

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of:  
Frank-Uwe Sommer et al.

Art Unit: 3634

U.S. Patent No. 7,748,167

Examiner: Keller, Michael J.

U.S. Patent Application No.: 10/518,360

Confirmation No.: 8218

Filed: July 21, 2005

Atty. Docket No.: 37934-211620

For: DRIVE DEVICE

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Customer No:

**26694**

PATENT TRADEMARK OFFICE

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT**

MS Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Applicants requests review of the Patent Term Adjustment (PTA) calculation for the above-identified patent, because the term adjustment may be shorter than indicated. Applicants are timely submitting this request within two (2) months of issuance of the patent.

**I. Fees**

Under 35 U.S.C. § 254, Applicants do not believe any fees are due as the error discussed below stems from an error by the U.S. Patent and Trademark Office. But in the event that such fees are necessary, the Office is authorized to charge our deposit account number 22-0261, referencing our docket number 37934-211620.

## II. Statement of Facts

The patent stemming from the above-identified application issued on July 6, 2010. The issued patent indicates a Patent Term Adjustment of 718 days. However, in view of the prosecution history, Applicants believe that the correct determination is currently 628 days.

Applicants believe that the application is entitled to the delays as follows:

Number of PTA Days	Dates
+ 558 days (A)	Days between <u>September 21, 2006</u> and <u>April 1, 2008</u> : This represents the delay of the Patent Office from the 14 month after the filing date of the application to the first Action by the Patent Office.
+ 148 days (B)	Days between <u>July 21, 2008</u> and <u>November 26, 2008</u> : This represents the time period from 3 years after filing of the application until Applicant's filing of a Request for Continued Examination.
- 78 days (Applicant Delay)	Days between <u>May 18, 2009</u> and <u>August 4, 2009</u> : This represents the Applicant's delay associated with filing the Information Disclosure Statement subsequent to the Amendment filed on May 18, 2009.

Applicant therefore respectfully requests the U.S. Patent and Trademark Office to review the PTA calculation and advise the undersigned of the result. It is respectfully submitted that the application is entitled to 628 days ( $558 + 148 - 78 = 628$ ).

Dated: August 4, 2010

Respectfully submitted,

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